

ORIGINAL

17 MAG . 9123

Approved: Thane Rehn  
 THANE REHN  
 Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT  
 United States Magistrate Judge  
 Southern District of New York

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|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA | : | <u>SEALED COMPLAINT</u> |
|                          | : |                         |
| - v. -                   | : | Violations of           |
|                          | : | 18 U.S.C. §§ 1349,      |
| ANDREJS PAVLOVS,         | : | 1028A, and 2            |
|                          | : |                         |
| Defendant.               | : | COUNTY OF OFFENSE:      |
|                          | : | NEW YORK                |
|                          | : |                         |

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SOUTHERN DISTRICT OF NEW YORK, ss.:

PETER CASSON, being duly sworn, deposes and says that he is a Special Agent with Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Bank Fraud)

1. From at least in or about May 2016, up to and including the present, in the Southern District of New York and elsewhere, ANDREJS PAVLOVS, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that ANDREJS PAVLOVS, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television

communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and object of the conspiracy that ANDREJS PAVLOVS, the defendant, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

#### COUNT TWO

4. From at least in or about August 2017 up to and including at least in or about October 2017, in the Southern District of New York and elsewhere, ANDREJS PAVLOVS, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, PAVLOVS used and transferred the names, addresses, and bank account or debit card numbers of other persons during and in relation to the offense charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1),  
1028A(b), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

5. I am a Special Agent with FBI and I have been personally involved in the investigation of this matter. I have worked on this investigation with other FBI Special Agents. This affidavit is based upon my investigation, my conversations with witnesses and other law enforcement agents, and my review of bank records and websites. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of

others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. From my participation in this investigation, I know that since at least 2015, a group of predominantly Latvian and Lithuanian nationals operating in the United States and foreign countries have conspired to execute a variety of fraudulent schemes, which include fraudulently causing wire transfers of funds from victim bank accounts to bank accounts controlled by members of the conspiracy, and fraudulently gaining access to victim bank accounts and withdrawing funds directly from those accounts.

7. Based on my conversations with other FBI agents and my review of documents prepared by other FBI agents, as well as court filings, I am aware of a co-conspirator who is a Latvian national ("CC-1") who participated in this conspiracy in the New York City area in 2016 and 2017. CC-1 opened multiple bank accounts at bank branches in Manhattan and elsewhere, using his own identity and the identity of another person with the assistance of a fake passport. Multiple victims were induced by fraudulent online advertisements to wire funds into these bank accounts, and CC-1 then withdrew those funds at bank branches in Manhattan and elsewhere before the fraud was discovered.<sup>1</sup>

8. At the time of CC-1's arrest, FBI agents seized a cellphone that was in his possession and obtained CC-1's consent to search the cellphone. On CC-1's cellphone, FBI agents found, among other things:

a. Multiple text messages between CC-1 and another individual ("CC-2") who appears to be located in Latvia and who appears to be a high-ranking leader in the conspiracy who was providing instructions to CC-1 and to others in the United States.

b. Specifically, text messages in which CC-2 provided CC-1 with the name and contact information of ANDREJS PAVLOVS, the defendant.

c. Copies of bank account documents for a bank account opened at a bank whose deposits are insured by the FDIC ("Bank-2"), in the name of PAVLOVS.

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<sup>1</sup> CC-1 has been indicted in the Southern District and has pled guilty to conspiracy to commit wire fraud and bank fraud. CC-1 is currently awaiting sentencing.

9. From my review of records provided by U.S. Customs and Border Patrol ("CBP"), I have learned that ANDREJS PAVLOVS, the defendant, is a Latvian national who entered the United States on or about November 18, 2016 on a three-month tourist visa. I have seen a photograph of PAVLOVS that was taken at the time of his entry into the United States.

10. I have spoken with employees of Bank-2 and have reviewed documents prepared by Bank-2 employees and Bank-2 records, including surveillance photographs. From these conversations and these documents, I have learned the following, among other things:

a. On or about August 17, 2017, a person who appears to me to be ANDREJS PAVLOVS, the defendant, entered a Bank-2 branch in San Diego, California, purporting to be another person who owned a Bank-2 bank account ("Victim-1"). I have compared surveillance photographs of PAVLOVS from this incident with a known photograph of PAVLOVS taken at the time of his entry into the United States. PAVLOVS provided a fraudulent identity document for Victim-1, and was issued a temporary debit card and personal identification number ("PIN") for Victim-1's bank account.

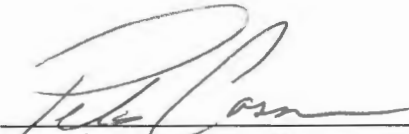
b. On or about August 17, 2017, a person who appears to me to be PAVLOVS used the temporary debit card to make a \$300 ATM withdrawal from Victim-1's account at a Bank-2 ATM. On the same day, a person who appears to me to be PAVLOVS used the temporary debit card to make two cash withdrawals totaling \$15,000 at two Bank-2 branches in San Diego, California.

c. On or about October 20, 2017, a person who appears to me to be PAVLOVS entered a Bank-2 branch in Atlanta, Georgia, purporting to be another person who owned a Bank-2 bank account ("Victim-2"). I have compared surveillance photographs of PAVLOVS from this incident with a known photograph of PAVLOVS taken at the time of his entry into the United States. PAVLOVS provided personally identifying information for Victim-2 that was on file with Bank-2, and was issued a temporary debit card and personal identification number ("PIN") for Victim-2's bank account.

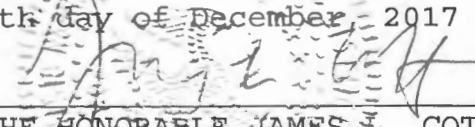
d. On or about October 20, 2017, a person who appears to me to be PAVLOVS entered another Bank-2 branch in Atlanta, Georgia, purporting to be Victim-2, and initiated a wire transfer of \$437,000 from Victim-2's bank account to a bank account owned by a jewelry store. Bank-2 investigators subsequently spoke to the owner of the jewelry store, who was

shown a surveillance photograph from Bank-2 and stated that the person who appears to be PAVLOVS had entered the jewelry store claiming to be Victim-2 and had made a large custom purchase of jewelry, and that the \$437,000 transfer was to pay for the jewelry purchase.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of ANDREJS PAVLOVS, the defendant, and that he be imprisoned or bailed, as the case may be.

  
Special Agent Peter Casson  
Federal Bureau of Investigation

Sworn to before me this  
7th day of December, 2017

  
THE HONORABLE JAMES L. COTT  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK